

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of:

**Amendment of the Commission's Rules to
Shield Electronics Equipment Against Acts
of War or Terrorism Involving Hostile Use
of Electromagnetic Pulse (EMP)**

RM-10330

COMMENTS OF GREGORY T. DOUDS

About Mr. Douds

1. Gregory T. Douds is licensed in the Amateur Radio Service under call sign KB3GDD. He is a Certified Public Accountant licensed in Maryland, and an attorney admitted to practice law in Maryland and Georgia.

2. Mr. Douds has no financial or business interests in this matter other than his minor investment in portable amateur radio equipment, his personal investment in other equipment that might fall under the proposed regulation, and his personal interest in the Amateur Radio Service and the military readiness of his country.

Comments

3. The Petition would have the FCC enact regulations that effectively would conscript civilians and civilian equipment into quasi-military service. However, the proposal does not provide evidence of a military deficiency

4. The cost of complying with the regulations, if enacted, would be prohibitive both on an individual and a societal basis. The proposal would seem to cover virtually all radio equipment, and other equipment, with no grandfather clause for already existing equipment.

Localized vs. Catastrophic Events

5. Mr. Douds does not have enough information to dispute the hypothetical possibility of a threat of an Electromagnetic Pulse disruption of communications capabilities, whether of

deliberate human or environmental origin. However, the Petition makes no distinction between a localized threat and a catastrophic one affecting a nation, a continent or the entire world.

6. The Petition seems to presume the occurrence of a catastrophic event that would neutralize most or all communications capabilities throughout the United States. However, the weapons described would seem to cause localized EMP disruptions, at worst. No credit is given to the Amateur Radio Service's, or any service's, capability to quickly mobilize from other areas to meet localized needs. The Amateur Radio Service proved its capability quite well in the days following the September 11, 2001, World Trade Center disaster.

Military Readiness

7. There is no need to second-guess military readiness. The United States military services are keenly aware of their need for timely communications in any emergency, and certainly are aware of the EMP threat. It is presumptuous to assume that our military and political leaders have done nothing to protect our vital communications capabilities from such threats.

8. The Petition assumes that a primary purpose of all communications equipment is military readiness. Mr. Douds strongly disagrees with that presumption.

9. First, there is no reason for civilians, private industry and amateurs to assume the communications responsibilities of the United States military establishment. Assuming such a need for EMP shielding exists, the military can easily meet this need by stockpiling its own specially-manufactured communications equipment, or by stockpiling ordinary commercial equipment in shielded facilities. This would keep 100% of the military equipment funding within military budgets, where it can be measured and controlled.

10. It is not the purpose or responsibility of the Amateur Radio Service to maintain and provide military-use equipment at its own cost. The Service's responsibility is to provide training and experimentation to maintain and enhance communications effectiveness, and to provide human resources in times of serious need. The license does not require the ownership or maintenance of equipment.

11. In other words, if the Petitioners are correct in asserting that the Amateur Radio Service earns its band privileges by providing military readiness, that readiness is in the form of technical expertise, not equipment availability.

Cost vs. Benefit

12. Each station within each civilian service is best equipped to evaluate and provide for its own security needs.

13. Using my own station as an example, EMP shielding is wholly unnecessary. I presently own two hand-held amateur radio transceivers, and two Family Radio Service transceivers. These are owned for my personal, private reasons and are not available at all to the United States government without my express permission. (Of course, I likely would grant permission in an emergency, but it's still my equipment.)

14. I alone know the locations of the radios and the normal and reasonable purposes for which they will be used. Should an emergency arise, I am the only person who knows of the existence and locations of the radios. Without my assistance, they are unavailable for military or political use. Therefore, tapping my Amateur Radio Service expertise is a prerequisite to the use of my equipment.

15. My equipment was purchased at great personal sacrifice to support my interest in the Amateur Radio Service. If I had to bear the additional cost of shielding the equipment, I likely would not own it today. It would not be available for military or political use, nor would it be available for the more likely local emergency or communications needs that might arise.

16. On the other hand, if I owned no radios at all, I still could volunteer my Amateur Radio Service expertise in times of need as long as the supported agency could provide equipment for my use.

17. It is patently unreasonable to require fitting all new equipment, and retrofitting all existing equipment, to meet a need that may never happen, given that: (a) the military services are quite capable of stockpiling the equipment needed to meet perceived needs; and (b) the additional cost of shielding quite likely could discourage Amateur Radio Service licensees from owning equipment that would likely be utilized in the frequent

local emergencies we actually have experienced in the past, and expect to experience on a recurring basis (i.e., tornados, earthquakes, missing persons searches, power outages, etc.).

Amateur Experimentation

18. One of the five principles of the Amateur Radio Service is the "continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art," and another is the "encouragement and improvement of the amateur service through rules which provide for advancing skills in both the communications and technical phases of the art".

19. These principles recognize that the Amateur Radio Service is about the amateur's knowledge, skills and capabilities, not his or her possession of available equipment. In fact, a large part of the service involves equipment experimentation.

20. The licensees of the Amateur Radio Service should be free to experiment with various forms of EMP shielding, or for that matter, with the need (or lack of need) for shielding. This experimentation is far more beneficial to the Nation's communications capabilities than rigid rules designed to protect against one single, hypothetical threat.

21. In addition, amateurs should be free to build home-brew equipment without suffering the burden of adding the additional complexity of EMP shielding. This type of experimentation ensures that amateurs will be able to quickly construct new, rudimentary equipment to satisfy immediate communications needs in times of disaster.

Summary

22. It would be cost prohibitive and wholly unnecessary require EMP shielding of civilian-use communications equipment.

23. The military services are quite capable of determining their own needs and supplying the necessary protected equipment. Civilian equipment should remain devoted to civilian uses, free of military design restrictions. This will ensure that more civilian equipment is available for non-EMP emergencies, and provide for the improvement of the skills of the Amateur Radio Service licensees.

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24. Mr. Douds asks that the Commission dismiss the Petition.

/s/

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